

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF ALASKA**

In re:

In the Matter of the Adoption of Interim  
and Local Bankruptcy Rules after  
Enactment of BAPCPA

Misc. Proceeding No. 05-60001

GENERAL ORDER NO. 2006-5

**Filed On  
9/27/06**

**ORDER ADOPTING INTERIM BANKRUPTCY RULE 1007  
AND AMENDING AK LBR 1007-1, EFFECTIVE OCTOBER 1, 2006,  
AND REQUIRING THE USE OF AMENDED OFFICIAL FORMS  
BY NOVEMBER 1, 2006**

The Advisory Committee on Bankruptcy Rules has drafted an amendment to Interim Rule 1007-1, and has recommended changes to Official Form 1 (Voluntary Petition), including the addition of new Exhibit D (“Individual Debtor’s Statement of Compliance With Credit Counseling Requirement”). The Advisory Committee has recommended that bankruptcy courts adopt these amendments and changes, as well as other amendments to certain of the Official Forms, by standing order, effective October 1, 2006. The Committee on Rules of Practice and Procedure of the Judicial Conference of the United States has approved these recommendations. Therefore, in accordance with the United States District Court’s Miscellaneous General Order 880, dated March 18, 2003, which grants this court the authority to adopt amendments to its Local Bankruptcy Rules,

**IT IS ORDERED:**

1) Interim Bankruptcy Rule 1007, attached hereto as Exhibit 1, is adopted effective **OCTOBER 1, 2006**.

2) Effective **OCTOBER 1, 2006**, but subject to the provisions of paragraph 3 below, AK LBR 1007-1 is amended to be consistent with amended Interim Bankruptcy Rule 1007 in the following respects: Exhibit D to Official Form 1, Voluntary Petition, will be filed as an attachment to the petition. Notwithstanding the language to the contrary on Exhibit D, however, an individual debtor’s certification of completion of credit

counseling **will continue to be docketed as a separate entry, not as an attachment to the debtor's petition or any other document.** Amended LBR 1007-1 is attached as Exhibit 2.

3) On and after October 1, 2006, the use of amended Official Forms 1, 5, 6, 9, 22A, 22C and 23, and new Exhibit D to Official Form 1 is strongly encouraged by this court, but will not be mandated until after **NOVEMBER 1, 2006**, to give counsel time to update required bankruptcy software and other interested parties time to acquire the amended forms. The amended Official Forms can be viewed at:

<http://www.uscourts.gov/bankform/index.html>.

DATED: September 27, 2006

BY THE COURT

/s/ Herb Ross  
HERBERT A. ROSS  
United States Bankruptcy Judge

/s/ Donald MacDonald IV  
DONALD MacDONALD IV  
Chief United States Bankruptcy Judge

Serve: W. Wolfe, Clerk of Court  
C. Davidson, Librarian  
T. Yerbich, Esq. (Court Rules Attorney - for distribution)  
J. Stafford (for electronic transmission to ECF participants)

09/27/06

4. *Text of Amendment to Proposed Interim Rule 1007.*

**Interim Rule 1007. Lists, Schedules, and Statements, and Other Documents; Time Limits<sup>1</sup>**

1 \* \* \* \* \*

2 (b) SCHEDULES, STATEMENTS, AND OTHER  
3 DOCUMENTS REQUIRED.

4 \* \* \* \* \*

(3) Unless the United States trustee has determined that the credit counseling requirement of § 109(h) does not apply in the district, an individual debtor must file the ~~certificate and debt repayment plan, if any, required by § 521(b), a certification under § 109(h)(3), or a request for a determination by the court under § 109(h)(4).~~ a statement of compliance with the credit counseling requirement, prepared

\* The amendments are proposed to Interim Rule 1007. Therefore, the underlined additions and the strikeout deletions are to the Interim Rule adopted by the courts on or about October 17, 2005, and not to the existing national rule. This amendment is intended to operate along with the adoption of the amendments to Official Form 1, the voluntary petition.

12       as prescribed by the appropriate Official Form which must  
13       include one of the following:

14               (A) an attached certificate and debt repayment  
15       plan, if any, required by § 521(b);

16               (B) a statement that the debtor has received the  
17       credit counseling briefing required by § 109(h)(1) but does  
18       not have the certificate required by § 521(b);

19               (C) a certification under § 109(h)(3); or

20               (D) a request for a determination by the court  
21       under § 109(h)(4).

22                               \* \* \* \* \*

23               (c) TIME LIMITS. In a voluntary case, the schedules,  
24       and statements, and other documents required by subdivision  
25       (b)(1), (4), (5), and (6) shall be filed with the petition or  
26       within 15 days thereafter, except as otherwise provided in  
27       subdivisions (d), (e), (f), and (h) of this rule. In an  
28       involuntary case, the list in subdivision (a)(2), and the  
29       schedules, statements, and other documents required by

30 subdivision (b)(1) shall be filed by the debtor within 15 days  
31 of the entry of the order for relief. ~~The documents required by~~  
32 ~~subdivision (b)(3) shall be filed with the petition in a~~  
33 ~~voluntary case. The statement required by subdivision (b)(7)~~  
34 ~~shall be filed by the debtor within 45 days after the first date~~  
35 ~~set for the meeting of creditors under § 341 of the Code in a~~  
36 ~~chapter 7 case, and no later than the last payment made by the~~  
37 ~~debtor as required by the plan or the filing of a motion for~~  
38 ~~entry of a discharge under § 1328(b) in a chapter 13 case.~~  
39 ~~The statement required by subdivision (b)(8) shall be filed by~~  
40 ~~the debtor not earlier than the date of the last payment made~~  
41 ~~under the plan or the date of the filing of a motion for entry of~~  
42 ~~a discharge under §§ 1141(d)(5)(B), 1228(b), or 1328(b). In~~  
43 a voluntary case, the documents required by paragraphs (A),  
44 (C), and (D) of subdivision (b)(3) shall be filed with the  
45 petition. Unless the court orders otherwise, if the debtor has  
46 filed a statement under subdivision (b)(3)(B), the documents  
47 required by subdivision (b)(3)(A) shall be filed within 15 days

48       of the order for relief. In a chapter 7 case, the debtor shall file  
49       the statement required by subdivision (b)(7) within 45 days  
50       after the first date set for the meeting of creditors under § 341  
51       of the Code, and in a chapter 13 case no later than the date  
52       when the last payment was made by the debtor as required by  
53       the plan or the filing of a motion for a discharge under  
54       § 1328(b). The debtor shall file the statement required by  
55       subdivision (b)(8) no earlier than the date of the last payment  
56       made under the plan or the date of the filing of a motion for  
57       a discharge under §§ 1141(d)(5)(B), 1228(b), or 1328(b) of  
58       the Code. Lists, schedules, statements, and other documents  
59       filed prior to the conversion of a case to another chapter shall  
60       be deemed filed in the converted case unless the court directs  
61       otherwise. Except as provided in § 1116(3), any extension of  
62       time for the filing of the schedules, statements, and other  
63       documents required under this rule may be granted only on  
64       motion for cause shown and on notice to the United States  
65       trustee, ~~and to~~ any committee elected under § 705 or

66 appointed under § 1102 of the Code, trustee, examiner, or  
67 other party as the court may direct. Notice of an extension  
68 shall be given to the United States trustee and to any  
69 committee, trustee, or other party as the court may direct.

#### COMMITTEE NOTE

Subdivision (b)(3) of the rule is amended to require the debtor to file an Official Form relating to the credit counseling requirement provided by the 2005 amendments to § 109. Official Form 1 includes statements that warn the debtor of the consequences of failing to comply with the credit counseling requirement. The rule also provides that the debtor may file a statement that the debtor has received credit counseling but has not yet received a certificate from the credit counseling provider. Subdivision (c) is amended to permit the debtor to file the certificate and debt repayment plan within 15 days after the filing of the petition if a Rule 1007(b)(3)(B) statement is filed.

Other changes are stylistic.

\* \* \* \* \*

## **Rule 1007-1 Form of Schedules and Statements**

(a) **Format.** Each schedule, statement and list must:

(1) be legible;

[2] be a separate document that contains all required information without reference to or incorporation of another schedule, document or list provided, however, that there may be appended thereto a list of items or information that—

[A] contains items or information relating to a single question or item on the schedule, statement or list to which attached, and

[B] clearly identifies the question or item to which the attached list pertains; and

(3) contains all information required by the official form and this rule.

(b) **Sequential Order of Documents.** Complete packages of schedules, statements and lists must be filed in the following order. When fewer than all documents in the following list are filed at any one time, the documents actually filed must be in the same order as well.

(1) Chapter 7

- ▶ Voluntary Petition (Form 1) with Exhibit “D” for individual debtors
- ▶ Schedules (Form 6)
- ▶ Statement of Financial Affairs (Form 7)
- ▶ Statement of Current Monthly Income and Means Test Calculation (Chapter 7) (Form 22A)
- ▶ Chapter 7 Individual Debtor's Statement of Intention (Form 8)
- ▶ Disclosure of Compensation
- ▶ Payment Advices (Pay Stubs)
- ▶ Matrix in original form, **not** attached to petition
- ▶ Application to Pay Filing Fee in Installments (Form 3A) or Application for Waiver of Chapter 7 Filing Fee (Form 3B) **not** attached to the petition or any other document
- ▶ Statement of Social Security Number (Form 21) **not** attached to the petition or any other document
- ▶ Individual Debtor's Certification of Completion of Credit Counseling **not** attached to the petition or any other document

(2) Chapter 11

- ▶ Voluntary Petition (Form 1) with Exhibit "A" for corporate debtors and Exhibit “D” for individual debtors
- ▶ In a small business case, the statement required by §1116(1) of the Code
- ▶ List of Creditors Holding 20 Largest Unsecured Claims (Form 4)
- ▶ Schedules (Form 6)
- ▶ Statement of Current Monthly Income (Chapter 11) (Form 22B)
- ▶ Statement of Financial Affairs (Form 7)
- ▶ Disclosure of Compensation
- ▶ Payment Advices (Pay Stubs)
- ▶ Matrix in original form, **not** attached to petition
- ▶ Application to Pay Filing Fee in Installments (Form 3A) **not** attached to the petition or any other document
- ▶ Statement of Social Security Number (Form 21) **not** attached to the petition or any other document
- ▶ Individual Debtor's Certification of Completion of Credit Counseling **not** attached to the petition or any other document

(3) Chapter 12

- ▶ Voluntary Petition (Form 1) with Exhibit “D” for individual debtors
- ▶ Schedules (Form 6)
- ▶ Statement of Financial Affairs (Form 7)
- ▶ Disclosure of Compensation



- ▶ Payment Advices (Pay Stubs)
- ▶ Matrix in original form, **not** attached to petition
- ▶ Chapter 12 Plan, **not** attached to the petition or any other document
- ▶ Application to Pay Filing Fee in Installments (Form 3A) **not** attached to the petition or any other document
- ▶ Statement of Social Security Number (Form 21) **not** attached to the petition or any other document
- ▶ Individual Debtor's Certification of Completion of Credit Counseling **not** attached to the petition or any other document

(4) Chapter 13

- ▶ Voluntary Petition (Form 1) with Exhibit "D" for individual debtors
- ▶ Schedules (Form 6)
- ▶ Statement of Current Monthly Income and Disposable Income Calculation (Chapter 13) (Form 22C)
- ▶ Statement of Financial Affairs (Form 7)
- ▶ Disclosure of Compensation
- ▶ Payment Advices (Pay Stubs)
- ▶ Matrix in original form, **not** attached to petition
- ▶ Chapter 13 Plan (AK LBF 5), **not** attached to the petition or any other document
- ▶ Application to Pay Filing Fee in Installments (Form 3A) **not** attached to the petition or any other document
- ▶ Statement of Social Security Number (Form 21) **not** attached to the petition or any other document
- ▶ Individual Debtor's Certification of Completion of Credit Counseling **not** attached to the petition or any other document

(c) **Describing Property on Schedule A.** Each individual parcel of real property must be shown on Schedule A (Real Property) and, to the extent applicable, contain the following information:

(1) A complete legal description followed by its physical location (e.g., common or street address);

(2) description of all improvements on the property;

(3) municipal or borough tax assessment valuation;

(4) information from any appraisal of the property performed within the two (2) years preceding the petition filing date, including—

[A] value,

[B] identification of appraiser, and

[C] purpose of appraisal; and

(5) Any unusual or extraordinary items of condition that materially affect value or marketability of the property.

(d) **Describing Property on Schedule B.** Descriptions of property listed on Schedule B (Personal Property) must, to the extent applicable, comply with the requirements of this subsection.

(1) *General.*

[A] All items of personal property must contain:

(i) sufficient identifying information to permit any interested party to readily identify the item upon sight and independently assess its value, including information concerning the item's condition, suitability for its intended use, or marketability; and

(ii) its value or amount as of the date the petition is filed.

[B] For any item of property that is not in the physical possession of the debtor, its location and the name and address of the custodian must be provided.

(2) *Aggregating Items.* Except as otherwise specifically provided in paragraphs (d)(3), (d)(4), (d)(9), (d)(11), (d)(12), (d)(13), (d)(15), (d)(17), (d)(18), (d)(19), (d)(20), and (d)(21), items of the

same general character having a value of less than the amount specified in § 522(d)(3) per individual item and an aggregate value of \$2,500.00, or less, should be generally identified and included as a single entry.

[A] The values of the individual items within the group need not be shown;

[B] the value to be inserted in the “value” column is the aggregate value of all items within the group; and

[C] aggregating items constitutes a certification that no individual item within the group has a value in excess of the amount specified in § 522(d)(3).

(3) *Bank or Financial Accounts*. For each account held by a financial institution, provide:

[A] account number;

[B] type of account; and

[C] name and location of financial institution.

(4) *IRAs, Pension and Profit Sharing Plans*. For each separate account or plan, provide:

[A] type of account or plan;

[B] plan, account, or other identifying number; and

[C] name and location of institution holding or trustee administering the account or plan.

(5) *Major Appliances*. Major appliances, e.g., washer, dryer, freezer, refrigerator, if not a fixture, should be identified by make.

(6) *Automobiles*. All motor vehicles, including off-road, recreational, all-terrain, and snow machines, must be separately itemized, and include:

[A] make (manufacturer);

[B] year of manufacture;

[C] model;

[D] type;

[E] if 4-wheel or all-wheel drive; and

[F] current license, registration, vehicle identification or serial number.

(7) *Animals/Pets*.

[A] Species/breed; and

[B] if show or registered animal provide relevant information.

(8) *Furniture*. Each article, item or set of furniture should include where applicable and if reasonably available:

[A] manufacturer or brand name;

[B] year of manufacture or age;

[C] if a set, what it consists of; and

[D] if more than one identical item, the number of items.

(9) *Firearms*. Each firearm must be separately itemized and include:

[A] manufacturer;

[B] model;

[C] caliber; and

[D] year of manufacture.

(10) *Cameras/Hobby Equipment*. Cameras and other hobby equipment should include:

[A] manufacturer; and

[B] model.

(11) *Musical Instruments*. Musical instruments should be separately itemized and include:

[A] type;

[B] manufacturer; and

[C] model

(12) *Clothing*.

[A] Subject to paragraph (d)(2), ordinary clothing items should be scheduled by a generic name and quantity of each item grouped by category (e.g., men’s clothes, women’s clothes).

[B] Furs should be separately itemized.

- (13) *Jewelry*. Jewelry, other than costume jewelry, must be separately itemized and include:
- [A] number and size/weight of precious stones;
  - [B] material of the setting; and
  - [C] the source of valuation.
- (14) *Household Items*. Subject to paragraph (d)(2), ordinary household items, e.g., small appliances, cookware, serving ware, dishware, and silverware, should be scheduled by generic name and quantity and grouped as a single entry.
- (15) *Books/Pictures/Records/Knick-Knacks*.
- [A] Subject to paragraph (d)(2), the following items should be generally grouped and described by class and quantity:
    - (i) books, other than collector's editions;
    - (ii) CDs, tapes, and records;
    - (iii) pictures or artwork of a general "decor" nature; and
    - (iv) knick-knacks and similar items of decor.
  - [B] Antiques (items over 100 years old) must be separately itemized and include:
    - (i) detailed description,
    - (ii) age, and
    - (iii) source of valuation.
  - [C] Collections and other collectibles, including "collector editions" of books, must be separately itemized and include:
    - (i) detailed description; and
    - (ii) source of valuation.
  - [D] "Collector prints" must be separately itemized and include:
    - (i) title;
    - (ii) name of artist;
    - (iii) number of print and number in series; and
    - (iv) source of valuation.
- (16) *Electronics/Computers*. Electronic items, including entertainment equipment and computers, should include:
- [A] manufacturer or brand name; and
  - [B] model number.
- (17) *Insurance policies*: To the extent applicable, for each insurance policy in which the debtor has an ownership interest, provide:
- [A] Name of issuer;
  - [B] policy number;
  - [C] face amount;
  - [D] cash surrender value;
  - [E] loan value; and
  - [F] current balance of any loan made against the policy.
- (18) *Stocks, Bonds, Annuities, Negotiable Instruments*. Stocks, bonds, annuities, securities, negotiable or non-negotiable instruments, and similar investment instruments, must be separately itemized and for each include to the extent applicable the:
- [A] name of issuer;
  - [B] type of instrument or class; and
  - [C] face amount or number of shares/units;
- (19) *Partnership Interests and Interests in Limited Liability Companies and Unincorporated Associations*. Interests in partnerships, limited liability companies, investment clubs, unincorporated associations and similar entities, must be separately itemized and include:
- [A] name of entity;
  - [B] type of entity;
  - [C] debtor's ownership interest in entity; and

[D] name and address of person having custody of the books and records of the entity.  
(20) *Receivables and Debts Owed to Debtor*. Accounts receivable, promissory notes, and other debts owed to the debtor, must be separately itemized and include:

- [A] name and address of obligor;
- [B] face or original amount;
- [C] date incurred or aging report;
- [D] amount owed; and
- [G] whether the obligor is current or delinquent.

(21) *Licenses, franchises*. Licenses, franchises, and similar rights held by the debtor, must be separately itemized and include:

- [A] name and address of licensor/licensee or franchiser/franchisee;
- [B] brief description of license or franchise; and
- [C] whether payments are current or delinquent.

(22) *Aircraft*. For each aircraft, provide:

- [A] manufacturer;
- [B] year of manufacture;
- [C] model number;
- [D] power plant type and horsepower;
- [E] make and model of all installed avionics;
- [F] if equipped with floats, the—
  - (i) manufacturer,
  - (ii) model; and
  - (iii) year of manufacture or model year;
- [G] Federal Aviation Administration hull number; and
- [H] source of valuation information.

(23) *Boats*. For each vessel, personal water craft, boat, canoe, or similar water-borne vehicle, to the extent applicable, include:

- [A] year of manufacture;
- [B] make (manufacturer);
- [C] serial or other manufacturers identifying number;
- [D] length, beam and, if applicable, displacement;
- [E] model and/or type;
- [F] description of power plant;
- [G] make and model of all installed or associated electronics (navigation and communications);
- [H] gear, tackle, rigging, and other appurtenances installed or associated with the vessel;
- [I] state or federal registration number; and
- [J] source of valuation information.

(24) *Tools*.

[A] Subject to paragraph (d)(2), hand tools, including small, hand-held power tools, should be aggregated as single entry.

[B] Large tools should include, to the extent applicable, the information specified in paragraph (d)(25).

(25) *Business & Farming Equipment and Implements*. Each item must, to the extent applicable, include:

- [A] make, manufacturer, or brand;
- [B] model number or type;
- [C] license, registration, serial or other identifying number; and
- [D] source of valuation.

(e) **Describing Property on Schedule C.**

(1) The description provided for property items listed on Schedule C (Property Claimed as Exempt) must be identical to the description used to describe that item on Schedule A in the case of real property or Schedule B in the case of personal property.

(2) The schedule of exemptions must not incorporate by reference any other schedule, statement, or list.

(f) **Income and Expenses on Schedules I and J.** Items of income (Schedule I) and expenses (Schedule J) must be reported using the following guidelines.

(1) *Income.*

[A] Gross income from wages or salary per month is the average income per month for the six-month period, or such shorter period if received for less than six (6) months, immediately preceding the date the petition is filed.

[B] Payroll deductions for taxes are to be determined using the applicable amounts specified by Internal Revenue Service Circular E using the appropriate number of exemptions that may be properly claimed by the debtor.

[C] Other income received on a recurring basis during the year, if received other than on a monthly basis, e.g., Alaska Permanent Fund or stock dividends (including dividends received from Alaska Native Corporations), is to be pro-rated as though received in equal monthly installments.

[2] *Expenses.*

[A] Variable regular monthly expenses, e.g., utilities, are to be computed as an average over a period of one (1) year (twelve (12) months).

[B] Expenses paid on a regular basis other than monthly, e.g., insurance or estimated income taxes, are to be pro-rated as though paid in equal monthly installments.

[C] Unusual, extraordinary, one-time expenses that are not reasonably expected to recur, e.g., medical expenses resulting from an accident, are not to be included.

(g) **Married Individuals.** A husband and wife filing jointly must file a single set of schedules and statement of financial affairs.

(h) **No Blank Items.** The word "none" or the words "not applicable," as appropriate, must be entered for each item in the schedules and statements of affairs not otherwise completed.

#### **Related Provisions:**

11 U.S.C. § 101(51)	"small business case"
11 U.S.C. § 101(51D)	"small business debtor"
11 U.S.C. § 109	Who may be a debtor
11 USC § 111	Nonprofit budget and credit counseling agencies; financial management instructional courses
11 U.S.C. § 521	Debtor's Duties
11 U.S.C. § 522	Exemptions
11 U.S.C. § 727	Discharge
11 U.S.C. § 1116	Duties of trustee or debtor in possession in small business cases
11 U.S.C. § 1129	Confirmation of plan
11 U.S.C. § 1325	Confirmation of plan
11 U.S.C. § 1328	Discharge
FRBP 1007	Lists, Schedules and Statements; Time Limits
FRBP 1008	Verification of Petitions and Accompanying Papers
FRBP 2015(a)	Duty to Keep Records, Make Reports, and Give Notice of Case — Trustee or Debtor in Possession
FRBP 9004	General Requirements of Form
FRBP 9009	Forms
Official Form 1 — Voluntary Petition (and Exhibits A, B, C, and D thereto)	
Official Form 3A — Application to Pay Filing Fee in Installments	

Official Form 3B — Application for Waiver of Chapter 7 Filing Fee  
Official Form 6 — Schedule of Assets and Liabilities  
Official Form 7 — Statement of Financial Affairs  
Official Form 8 — Statement of Intentions  
Official Form 22A — Statement of Current Monthly Income and Means Test Calculation  
(Chapter 7)  
Official Form 22B — Statement of Current Monthly Income (Chapter 11)  
Official Form 22C — Statement of Current Monthly Income and Disposable Income Calculation  
(Chapter 13)  
AK LBR 1002-1                      Petitions  
AK LBR 1007-2                      Matrix  
AK LBR 1009-1                      Amendment of Schedules and Matrix  
AK LBR 5005-1                      Place of Filing  
AK LBR 5005-2                      Electronic Filing  
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